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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,243	02/05/2001	Robert Darrell Olson	D-17999-1	2350
22515	7590	01/15/2004	EXAMINER	
THE DOW CHEMICAL COMPANY INTELLECTUAL PROPERTY SECTION 2301 N BRAZOSPORT BLVD FREEPORT, TX 77541-3257			TESKIN, FRED M	
			ART UNIT	PAPER NUMBER
			1713	
DATE MAILED: 01/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/777,243	Applicant(s) Olson, et al.
	Examiner Fred Teskin	Art Unit 1713
		
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE TWO (2) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Oct 22, 2003</u>		
2a) <input type="checkbox"/> This action is FINAL . 2b) <input type="checkbox"/> This action is non-final.		
3) <input checked="" type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
Disposition of Claims		
4) <input checked="" type="checkbox"/> Claim(s) <u>15, 16, and 18-39</u> is/are pending in the application.		
4a) Of the above, claim(s) <u>15 and 16</u> is/are withdrawn from consideration.		
5) <input checked="" type="checkbox"/> Claim(s) <u>18-39</u> is/are allowed.		
6) <input type="checkbox"/> Claim(s) _____ is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
Application Papers		
9) <input checked="" type="checkbox"/> The specification is objected to by the Examiner.		
10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>Feb 5, 2001</u> is/are a) <input type="checkbox"/> accepted or b) <input checked="" type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
Priority under 35 U.S.C. §§ 119 and 120		
13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
*See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
15) <input checked="" type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
Attachment(s)		
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>2</u>		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other:		

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1. Claims 15, 16 and 18-39 remain pending.
2. Applicants' election "with traverse" of the invention of Group II, claims 18-39, in the response of October 22, 2003 (paper no. 6) is acknowledged. Because applicants did not distinctly and specifically point out the supposed errors in the restriction requirement, the election is treated as an election without traverse. See MPEP 818.03(a).
2. Claims 15 and 16 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as drawn to a nonelected invention. Election was made **without** traverse in paper no. 6.
3. The disclosure is objected to because of the following informalities: the cross-reference information provided on page 1 should be updated to include the present status of the parent application.
4. The drawings are objected to because of an error in the legend designating Fig. 5: the number "10" apparently should read -8- in accordance with the description of the figure (see, e.g., page 10, line 1) and the number of profile lines (8) actually depicted.

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5. With respect to Figure 5, a proposed drawing correction is required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Hartley et al is cited as pertinent to the optimization of a product discharge or removal system in a fluidized bed polymerization reactor, to maintain desired production rates while minimizing losses of cycle gas (note col. 3, lines 27+).

7. Claims 18-39 are deemed allowable over the prior art of record. Effecting recycle by dividing or splitting a recycle stream into at least two streams which are directed to different areas of a fluidized bed polymerization reactor in accordance with claims 18, 26, 32 and 36, or controlling the recycle split as a function of liquid in at least one product discharge tank as per claim 39, is not disclosed nor fairly suggested in the prior art identified or located as of the date of this Office action.

8. This application is in condition for allowance except for the following formal matters: correction of the informalities

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underlying the objections to the disclosure and the drawings, as set out supra.

9. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE TWO (2) MONTHS FROM THE DATE OF THIS LETTER.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner F. M. Teskin whose telephone number is (571) 272-1116. The examiner can normally be reached on Monday through Thursday from 7:00 AM - 4:30 PM, and can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

FMTeskin/01-12-04


FRED TESKIN
PRIMARY EXAMINER
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